

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

JAMES W. BAILEY, IV,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 1:05-CV-688-F
	)	
HOUSTON COUNTY JAIL, et al.,	)	
	)	
Defendants.	)	

**ORDER**

The plaintiff, a state inmate, filed a 42 U.S.C. § 1983 action challenging actions taken against him during his confinement in the Houston County Jail. Although the plaintiff sought to "add" this case to a previous cause of action filed in this court, *see Bailey v. Bonnin*, Civil Action No. 1:05CV-419-T (M. D. Ala.), the instant claims are lodged against different defendants and challenge a distinct set of facts and circumstances than those contained in the prior complaint. This case is therefore properly proceeding as a separate cause of action. However, the plaintiff did not file the \$250.00 filing fee nor did he submit an original affidavit in support of a motion for leave to proceed *in forma pauperis* with the requisite documentation from the account clerk at the Kilby Correctional Facility. Thus, the pleadings filed by the plaintiff fail to provide the court with the information necessary for a determination of whether the plaintiff should be allowed to proceed *in forma pauperis* in this cause of action. Accordingly, it is

ORDERED that on or before August 16, 2005 the plaintiff shall file either the

appropriate affidavit in support of his motion for leave to proceed *in forma pauperis* accompanied by a prison account statement from the account clerk at the Kilby Correctional Facility showing the average monthly balance in plaintiff's prison account for the 6-month period immediately preceding the filing of this complaint and the average monthly deposits to plaintiff's account during the past six months *or* the \$250.00 filing fee. To aid the plaintiff in complying with this order, the CLERK is DIRECTED to furnish him with a copy of the form affidavit used by persons seeking to proceed *in forma pauperis* before this court.

The plaintiff is advised that under the provisions of 28 U.S.C. § 1915(b)(1), he is required to pay the full amount of the \$250.00 filing fee either from funds presently available to him or from any funds that become available to him in the future. The plaintiff is therefore cautioned that if he fails to comply with this order the Magistrate Judge will recommend that this case be dismissed.

Done this 1st day of August, 2005.

/s/ Delores R. Boyd

UNITED STATES MAGISTRATE JUDGE